

SENATE NO. 1349

AN ACT REALTIVE TO PORT SECURITY

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1.

2 Whereas, the harbor transits of petroleum, hazardous cargos and certain other vessels present potential
3 for threat of serious harm to the security and safety of the people, property, natural resources, historic
4 resources and economy of the Commonwealth due to the risks of terrorism or navigational error
5 because they involve intricate maneuvering of large ships in constrained areas in coordination with one
6 or more tugboats; and

7 Whereas, other states and jurisdictions have successfully enhanced their ports' security, safety and
8 environmental protection by providing consistent standards for and oversight of the practice of larger
9 vessels using a two-pilot system which employs both harbor pilots and docking pilots, which is
10 traditional in Pilot District One; and

11 Whereas, there is a need to provide for a system that will ensure the proper and consistent
12 identification, training, selection, oversight and monitoring of docking pilots; it is therefore in the
13 public interest to strengthen the District One Pilot Commissioners by expanding their number, powers
14 and duties and clarifying that docking pilots are under their jurisdiction.

15 Be it enacted by the Senate and House of Representatives in General Court assembled, and by the
16 authority of the same, as follows:

17 CHAPTER 103A, ENTITLED “DOCKING PILOTS”, SHALL BE ADDED TO THE GENERAL
18 LAWS AS FOLLOWS:

19 § 1. GEOGRAPHIC LIMITATION

20 The provisions of this chapter shall apply to Pilot District One, as defined by §1 of Chapter 103 of the
21 General Laws.

22 § 2. DEFINITIONS

23 The following words, as used in this chapter, shall have the following meanings:

24 “Licensed Docking Pilot” is an individual who has been granted a license by the District One Pilot
25 Commissioners, pursuant to this chapter, which allows the individual to navigate or assist in the
26 navigation of vessels in the waters of District One when navigation or movement of the vessel or
27 vessels involve the controlling and directing of assist tugboat or tugboats. Except for individuals
28 described in §4(c) of this Act, a licensed Docking Pilot shall have not less than two (2) years
29 experience as a Master or Mate of tugboats primarily engaged in assisting ocean-going ships in
30 docking, undocking and maneuvering in Pilot District One, and who has experience and training in the
31 piloting of ships while directing and controlling the movements of the assist tugboat or tugboats
32 employed in these maneuvers within Pilot District One.

33 § 3. DISTRICT ONE COMMISSIONERS

34 §2 of Chapter 103 is hereby repealed. A new §2 shall be inserted in lieu thereof and shall state:

35 “There shall be three (3) commissioners of pilots for district one and one deputy commissioner of

36 pilots for each of the other three districts. On or before December first in any year when their terms of
37 office expire, their successors shall be appointed by the governor, with the advice and consent of the
38 council, for terms of three years. A deputy commissioner of pilots for any district shall be a resident
39 of a town having a landing place accessible to vessels from the sea situated within that district. In this
40 chapter, the word ‘commissioners’ shall be held to mean, as to district one, the commissioners of pilots
41 and docking pilots for said district and, as to each other district mentioned in section one, the deputy
42 commissioner of pilots for such district. They shall have experience in maritime and nautical affairs;
43 one of the commissioners for district one shall be an individual with experience and knowledge of the
44 duties of the licensed Docking Pilots. Appointments of commissioners for district one shall be made
45 upon the recommendation of the trustees of the Boston Marine Society provided such recommendation
46 is made. Appointments of commissioners for districts other than district one may be made upon the
47 recommendation of said trustees. No commissioner for any district shall be such a trustee.”

48 § 4. DISTRICT ONE COMMISSIONERS; POWERS AND DUTIES.

49 a) Regulations - In addition to the powers and duties set forth at §3 of Chapter 103 of the General
50 Laws, the District One Commissioners, in accordance with Chapter 30A of the General Laws,
51 shall, within one hundred twenty (120) days of the effective date of this chapter, promulgate
52 regulations for licensed Docking Pilots. Said regulations shall include but not be limited to the
53 qualifications for an individual to be licensed as a Docking Pilot under this chapter. Said
54 qualifications shall be established so as to ensure the competence of a Docking Pilot to
55 facilitate the safe and efficient movement of vessels subject to §7 of this chapter. Said
56 qualifications shall include but not be limited to documentation of comprehensive training
57 under the supervision of a licensed Docking Pilot in conjunction with a training or apprentice
58 program recognized and approved by the District One Commissioners.

- b) Commissions - Upon the application of an individual for a license as a Docking Pilot and the satisfaction of the requirements established by the commissioners, the commissioners shall issue a license declaring the applicant to be a District One Docking Pilot. Said license shall be in effect for a period of five years, and shall be renewable, provided that the commissioners determine the Docking Pilot is in compliance with this chapter and all regulations promulgated pursuant to it.
- c) Existing Docking Pilots - The commissioners shall accept and review applications from qualified, experienced individuals who have been providing Docking Pilot services within District One prior to the effective date of this Act, and shall waive the need for any testing required by regulation, and shall issue the applicants a Docking Pilot license no later than thirty (30) days from their receipt of a complete application if all other requirements promulgated under this Act are met. At the minimum, each applicant must: hold a valid Master of Towing Vessels license issued by the United States Coast Guard with an endorsement as First Class Pilot of Vessels of any Gross Tons for Pilot District One and have been providing Docking Pilot services during the thirty-six (36) months immediately prior to the effective date of this Act for the purpose of docking and undocking with tugboat assistance of not fewer than 200 seagoing vessels of not less than 10,000 registered gross tons within Pilot District One. A Docking Pilot who meets the requirements of this section and who submits his or her name with a summary of his or her qualifications to the commissioners within thirty (30) days of the to the effective date of this Act may continue to perform the work of a licensed Docking Pilot until such time as the commissioners act upon the individual's request for a Docking Pilot license within the thirty (30) days specified above.

d) No Control Over Contractual Relationships - Nothing in this chapter or the regulations promulgated hereunder shall be construed to authorize the commissioners to establish, effect, regulate or control assignment of licensed Docking Pilots or to approve or disapprove any changes in the contractual relationship between licensed Docking Pilots and shipping or tugboat companies. Nothing in this chapter or the regulations promulgated hereunder shall effect the right of the owner, operator or master of a vessel subject to this chapter to chose, select or engage an individual licensed Docking Pilot or tugboat company or be construed to permit the District One Commissioners to exercise any control or authority over licensed Docking Pilots' rates, pensions, benefits or other compensation.

§ 5. FEES PAID BY DOCKING PILOTS

- a) Application Fees: Each original and each renewal application for a Docking Pilot license shall be accompanied by payment to the District One Commissioners of a fee in the amount of two hundred fifty (\$250) dollars.
- b) Existing License Fee: Once each calendar year, each licensed Docking Pilot shall remit to the District One Commissioners a fee in the amount of five hundred dollars (\$500).

§ 6. VESSELS EMPLOYING

LICENSED DOCKING PILOTS

Within Pilot District One, every foreign vessel of three hundred and fifty gross tons or over; every United States vessel under register of three hundred and fifty gross tons or over which request a tugboat or tugboats to assist in docking, undocking or maneuvering shall employ a Docking Pilot licensed under this chapter, and shall be subject to the provisions of this chapter. Other vessels may request and receive the services of a Docking Pilot. Any vessel, its master, owner, agent or consignee which has employed a Docking Pilot shall be liable for and pay all Docking Pilot charges. Said

104 vessels shall be subject to regulations promulgated pursuant to this chapter. Nothing in this chapter
105 shall relieve a vessel from any pilotage requirement applicable to it under Chapter 103 of the General
106 Laws.

107 § 7. PERSONS ACTING AS DOCKING PILOTS

108 On all vessels subject to the requirements of §6, no person, unless he or she holds a license as a
109 Docking Pilot shall, if a licensed Docking Pilot offers his services or can be obtained within a
110 reasonable time, act as a Docking Pilot in the charge or conduct of any vessel subject to pilotage under
111 §6 of this chapter.

112 § 8. PRIVATE COMPENSATION

113 Nothing in this chapter shall be construed to authorize the commissioners to establish, affect, regulate
114 or control any rotation system or method of assignment of Docking Pilots or to approve or disapprove
115 any changes in the contractual relationship between Docking Pilots and shipping or tugboat
116 companies.

117 § 11. RIGHTS OF OWNERS, OPERATORS OR MASTERS

118 Nothing in this chapter shall affect the right of the owner, operator or master of a vessel to choose,
119 select or engage an individual Docking Pilot or tugboat company or be construed to permit the license
120 to exercise any control or authority over Docking Pilot rates, pensions, benefits or other compensation
121 of Docking Pilots.

122 § 12. ENFORCEMENT AND PENALTIES

123 The regulations promulgated by the commissioners pursuant to this chapter may provide for the
124 assessment and payment of administrative penalties up to a maximum of five thousand dollars
125 (\$5,000) per occurrence of minor violations of this Act or the regulations promulgated thereunder.

126 § 13. NON-APPLICABILITY OF CHAPTER 103

127 Unless specifically set forth in this chapter, no provisions of Chapter 103 of the General Laws shall
128 govern licensed Docking Pilots, or their commissioning and oversight by the District One
129 Commissioners.

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